



PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 100-3	Subject: ARREST OF OFFENDERS/DETAINING NON-OFFENDERS	
Chapter 100: VIOLATIONS/WARRANTS/ARRESTS	Page 1 of 2	
Signature: /s/ Ron Alsbury	Revision Date: 11/15/01; 03/06/04; 08/01/05	
	Effective Date: 09/04/00	

I. BUREAU DIRECTIVE: Probation and Parole Bureau employees will follow established procedures for arresting offenders at night.

II. AUTHORITY:

<i>46-6-210, M.C.A.</i>	<i>Arrest by Peace Officer</i>
<i>46-6-507, M.C.A.</i>	<i>Arrest By Probation and Parole Officer</i>
<i>46-23-1012, M.C.A.</i>	<i>Arrest when Violations of Probation Alleged - Probation Compliance Plan - Probation Violator Intervention</i>
<i>46-23-1023, M.C.A.</i>	<i>Arrest of alleged parole violator</i>
<i>P&P 140-5</i>	<i>Intervention Hearings</i>

III. DEFINITIONS:

None.

IV. PROCEDURES:

A. Arrest of a Probationer

A P&P Officer, wanting to arrest a probationer without a warrant, must write out the statement mandated in 46-23-1012, M.C.A., which states the offender, in the judgement of the officer, violated his/her condition (s) of probation. The officer can then arrest the probationer. The officer merely has to authorize law enforcement to arrest the offender, then deliver the statement to the place of detention within 12 hours or have a Peace Officer arrest the offender.

B. Arrest of a Parolee

A Probation and Parole Officer may have a parolee arrested, when the Officer believes the parolee has violated a condition (s) of his/her parole. The offender may be arrested by a peace Officer without the written statement mandated in 46-23-1023, M.C.A. However, the P&P Officer must immediately execute an arrest warrant (i.e., sign the warrant at home) and inform the Peace Officer the warrant is issued. The P&P Officer must deliver the warrant to the place of detention within 12 hours.

C. Detaining Non-Offenders

As per 46-5-507, M.C.A., a Probation & Parole Officer who, while in the course of conducting the officer's duties, has a reasonable suspicion that a person is interfering or will interfere with the officer's duties or has probable cause to believe that the person is committing or has committed an offense may detain the person. The Probation & Parole Officer shall immediately notify the nearest available law enforcement agency or peace officer, and the law enforcement

Procedure No.: P&P 100-3	Chapter: Violations/Warrants/Arrests	Page 2 of 2
Subject: ARREST OF OFFENDERS AT NIGHT		

agency or peace officer shall either take the person into custody or release the person. As soon as time permits after the incident, the P&P Officer shall notify the Regional Administrator when a non-offender has been detained.

- V. CLOSING:** Questions concerning this procedure shall be directed to the Regional Administrator or designee.